

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE

CARLOS MANUEL DECLET JIMENEZ

DEBTORS

CASE NO 14-03403 ESL

CHAPTER 11

MOTION REQUESTING RELIEF FROM AUTOMATIC STAY

TO THE HONORABLE COURT:

COMES NOW Debtor through the undersigned attorney and respectfully states and pray as follows:

1. On April 29th, 2014 Debtor filed for relief under Chapter 11 of Title 11 USC of the Bankruptcy Code.
2. That Debtor is a party in a local case: BANCO POPULAR DE PUERTO RICO vs IGNACIO T VELOZ CAMEJO case number FCD 2004-2343 civil lawsuit in the SUPERIOR COURT OF CAROLINA where he has counter sued BANCO POPULAR DE PUERTO RICO.
3. That it is important for the estate that this case continues to be litigated in local court.
4. That §362(d) (1), 11 USC section 362(d)(1), permits the lifting of the Stay so that this case can continue to be litigated in local court.
5. “As the plain language of the statute suggests, and as no less than six circuits have concluded, the Code’s automatic stay does not apply to judicial proceedings, such

as this suit, that were initiated by the Debtor . (quoting Brown v. Armstrong, 949 F3d 1007-10 (8th Cir. 1991))

WHEREFORE, Debtor respectfully requests to this Honorable Court that the automatic stay in this case be lifted so that Debtor continues to litigate this case in local court for the benefit of Debtor's Estate with any other provision this Honorable Court deems just and proper.

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

I HEREBY CERTIFY that the foregoing motion has been electronically filed through CM/ECF electronic filing system which will serve the same to the Chapter 11 trustee and all parties in interest as per the master address list. We have also notified attorney Jose A. Morales Boscio 1454 Avenue Fernandez Juncos San Juan, Puerto Rico 00909, attorney José E. Colón Santana Urbanization Baldrich 315 Coll & Toste Street San Juan, Puerto Rico 00918, attorney Juan C Pou Martinez Parque De San Ignacio A 4 3rd Street San

Juan, Puerto Rico 00921 & attorney Baez Chao Suite 112 MCS 106 100 Grand
Boulevard Paseos San Juan, Puerto Rico 00926.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico this 15th day of May, 2014.

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